

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

COTOC JOSE SANCHEZ,

Plaintiff,

v.

TALTON TELECOMMUNICATION *et al.*,

Defendants.

CASE NO. C09-5706RJB

REPORT AND
RECOMMENDATION

Noted for May 21, 2010

This matter comes before the court upon plaintiff's failure to respond to the court's order regarding his need to file an application to proceed in forma pauperis or pay the required filing fee. Doc. 3,

On March 1, 2010, the court reviewed the matter and found plaintiff, who is proceeding pro se, had not paid the filing fee or filed an application to proceed in forma pauperis. Plaintiff was directed to respond by not later than April 1, 2010. To date the Clerk has not received any further pleadings from plaintiff.

More importantly, the court's order was returned to the Clerk as undeliverable. Doc. 4. On the outside of the envelope, it is noted that the mail was not received by plaintiff because he had been released from the Northwest Detention Center where he had been detained. The court

1 is unaware of plaintiff's whereabouts or new address. It is the *pro se* plaintiff's responsibility to
 2 keep the Clerk informed of his current address to ensure timely notification of court action.

3 Local Rule CR 41(b)(2) states:

4 A party proceeding *pro se* shall keep the court and opposing parties advised as to his
 5 current address. If mail directed to a *pro se* plaintiff by the clerk is returned by the
 6 Post Office, and if such plaintiff fails to notify the court and opposing parties within
 60 days thereafter of his current address, the court may dismiss the action without
 prejudice for failure to prosecute.

7 At this time, the sixty-day period has not expired, but counting from the day the court's order
 8 was issued on March 1, 2010, through the objection period for the court to consider this
 9 recommendation, the period will expire.
 10

11 CONCLUSION

12 Based on the foregoing, the Court should dismiss plaintiff's claims and causes of action
 13 based on plaintiff's failure to properly prosecute the matter.

14 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil
 15 Procedure, the parties shall have fourteen (14) days from service of this Report to file written
 16 objections. See also Fed.R.Civ.P. 6. Failure to file objections will result in a waiver of those
 17 objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the
 18 time limit imposed by Rule 72(b), the clerk is directed to set the matter for consideration on May
 19 21, 2010, as noted in the caption.
 20

21 DATED this 26th day of April, 2010.
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 23

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25 J. Richard Creatura
 26 United States Magistrate Judge